REMARKS

I. General

Claims 1-51 were pending in the present application, and all of the pending claims are rejected in the present Office Action (mailed March 6, 2007). The present Office Action raises the following issues:

- Claims 1-38 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,092,943 to Roese et al. (hereinafter "*Roese*"); and

- Claims 39-51 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Roese* in view of U.S. Patent No. 6,735,631 to Oehrke et al. (hereinafter "*Oehrke*").

Applicant respectfully traverses the outstanding claim rejections raised in the current Office Action and requests reconsideration and withdrawal thereof in light of the amendments and remarks presented herein.

II. Claim Amendments

Claims 1, 23, 24, 39, and 45 are amended. No new matter is added by these amendments.

Claim 1 is amended to recite "wherein when said location server is unable to satisfy said query for said location of said device, said location server is operable to query a hierarchical server that is operable to query other location servers for the location of said device". Support for this element can be found, *inter alia*, at paragraph [0029] of the specification.

In view of the amendment to claim 1, which introduces the hierarchical server, dependent claim 23 is amended to replace the article "a" with "said" in reference to the hierarchical server for clarity and consistency with claim 1.

Claim 24 is amended to recite "wherein when said location server is unable to provide said location information for said device in response to said query, then said location server querying a hierarchical server to obtain said location information from another location server". Support for this element can be found, *inter alia*, at paragraph [0029] of the specification.

Claims 39 and 45 are amended herein for clarity. Specifically, both claims previously recited "said nearest location server" without establishing proper antecedent basis for the nearest location server. Instead, the claims initially recited "most recent location server" and then referred to "said nearest location server". So, each of these claims has been amended to replace "most recent location server" with "nearest location server" for improved clarity and consistency within the claim.

III. Rejections Under 35 U.S.C. §102

Claims 1-38 are rejected under 35 U.S.C. §102(e) as being anticipated by *Roese*. To anticipate a claim under 35 U.S.C. § 102, a single reference must teach every element of the claim, *see* M.P.E.P. § 2131. Applicant respectfully traverses this rejection because *Roese* fails to teach all elements of claims 1-38, as discussed below.

Independent Claim 1

As currently amended, independent claim 1 recites:

> A system for physical location self awareness in network connected devices, said system comprising:
> a location server acquiring locations of said devices from a real-time location system;
> an agent operable to run on each of said devices, said agent querying said location server for a location of said device and storing location information for said device on said device; and
> wherein when said location server is unable to satisfy said query for said location of said device, said location server is operable to query a hierarchical server that is operable to query other location servers for the location of said device. (Emphasis added).

Applicant respectfully asserts that *Roese* fails to teach at least the above-emphasized element of claim 1. *Roese* does not teach that when a first location server is unable to satisfy a query for the location of a device such first location server queries a hierarchical server for such location. The Examiner appears to concede the *Roese* does not teach such a hierarchical server, *see e.g.*, the Examiner's treatment of claims 39 and 45. While the Examiner asserts that *Oehrke* discloses such a hierarchical server (*see* the rejections of claims 39 and 45), Applicant respectfully submits that, as discussed below for claims 39 and 45, *Oehrke* does not teach such a hierarchical server as recited in claim 1, but instead teaches a system of back-up servers that merely duplicate server functionality rather than employing a hierarchical relationship such as that recited by claim 1.

In view of the above, *Roese* fails to anticipate claim 1 as amended, and the rejection of record should therefore be withdrawn. Also, *Oehrke* fails to disclose the above-emphasized element of claim 1, and thus claim 1 should be allowed over the art of record.

Independent Claim 24

As currently amended, independent claim 24 recites:

> A method for providing location self awareness in a network connected device, said method comprising:
> establishing a location server for acquiring a location of said device from a real-time location system;
> executing an agent on said device;
> instructing, by said agent, said device to send a query to said location server for location information for said device;
> wherein when said location server is unable to provide said location information for said device in response to said query, then said location server querying a hierarchical server to obtain said location information from another location server; and
> storing said location information for said device on said device. (Emphasis added).

Applicant respectfully asserts that *Roese* fails to teach at least the above-emphasized element of claim 24. *Roese* does not teach that when a location server is unable to provide location information for a device in response to a query by an agent executing on the device, the location server querying a hierarchical server to obtain such location information from another location server. The Examiner appears to concede the *Roese* does not teach such a hierarchical server, *see e.g.*, the Examiner's treatment of claims 39 and 45. While the Examiner asserts that *Oehrke* discloses such a hierarchical server (*see* the rejections of claims 39 and 45), Applicant respectfully submits that, as discussed below for claims 39 and 45, *Oehrke* does not teach such a hierarchical server as recited in claim 24, but instead teaches a system of back-up servers that merely duplicate server functionality rather than employing a hierarchical relationship such as that recited by claim 24.

In view of the above, *Roese* fails to anticipate claim 24 as amended, and the rejection of record should therefore be withdrawn. Also, *Oehrke* fails to disclose the above-emphasized element of claim 24, and thus claim 24 should be allowed over the art of record.

Dependent Claims

Dependent claims 2-23 and 25-38 each depend either directly or indirectly on either independent claim 1 or 24 and, thus, inherit all of the limitations of their respective

independent claims. It is respectfully submitted that dependent claims 2-23 and 25-38 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 2-23 and 25-38.

IV. Rejections Under 35 U.S.C. §103

Claims 39-51 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Roese* in view *Oehrke*. Applicant respectfully traverses these rejections below.

The test for non-obvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in Graham v. John Deere and Co., 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) determining of the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art. As discussed further hereafter, Applicant respectfully asserts that the claims include non-obvious differences over the applied art.

Independent Claim 39

Claim 39 is directed to a system for physical location self awareness in a network connected device across a domain of a plurality of related real-time location systems, where said system comprises "a hierarchical server adapted to querying each of said location servers for a location of said devices if a nearest location server fails to return a location of said device". The Examiner asserts that "*Oehrke* teaches querying each of said server for a location of said devices if said nearest server fails" and in view of *Oehrke*, the Examiner alleges that it would have been obvious to modify the system of *Roese* to include such a method of query.

However, *Oehrke* does not disclose a hierarchical server such as that recited by claim 39. Instead, *Oehrke* teaches a system that includes "back-up" (or fail over) redirectors to duplicate the functionality of failing redirectors. In this sense, a "back-up" redirector has full

functionality and capability to provide the same information of the original redirector, and thus no hierarchical relationship is established between the redirectors. For example, the back-up redirector is not queried to seek additional information that the original redirector did not contain in *Oehrke*. Instead, the back-up redirector replaces the original redirector (in the event that the original redirector fails operationally) so that the back-up director provides the exact information the original redirector contained. Such duplication does not create a hierarchical relationship between the redirectors in the manner as recited between the hierarchical server and location servers of claim 39.

In view of the above, the rejection of claim 39 should be withdrawn as the applied combination of *Roese* and *Oehrke* fail to teach or suggest all elements of the claim.

Independent Claim 45

Claim 45 describes a method for physical location self awareness in a network connected device across a domain of a plurality of related real-time location systems, where a plurality of location servers are established, an agent executing on a device instructs the device to send a query for location information of the device to a nearest location server, and, upon failure of such nearest location server to return a location of the device, a hierarchical server queries the other location servers for a location of the device. The Examiner asserts that "*Oehrke* teaches querying each of said server for a location of said devices if said nearest server fails", and the Examiner asserts that it would have been obvious to modify the system of *Roese* to include such a method of query. However, *Oehrke* does not disclose a method in which a hierarchical server queries additional location servers if a nearest location server fails to return a result. Instead, *Oehrke* discloses a system that provides "back-up" (or fail over) redirectors to duplicate the functionality of failing redirectors. In this sense, a "back-up" redirector has full functionality and capability to provide the same information as the original redirector and thus no hierarchical relationship is established between the redirectors. For example, the back-up redirector is not queried to seek additional information that the original redirector did not contain, but instead the back-up redirector replaces the original redirector to provide the exact information that a failed original redirector contained. Such duplication does not create a hierarchical relationship between the redirectors in the manner as recited between the hierarchical server and location servers of claim 45.

In view of the above, the rejection of claim 45 should be withdrawn as the combination of *Roese* and *Oehrke* fails to teach or suggest all elements of the claim.

Dependent Claims

Dependent claims 40-44 and 46-51 each depend either directly or indirectly on either independent claim 39 or 45 and, thus, inherit all of the limitations of their respective independent claims. It is respectfully submitted that dependent claims 40-44 and 46-51 are allowable at least because of their dependence from their respective base claims for the reasons discussed above. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 40-44 and 46-51.

V. Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10021014-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV629238075US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 6, 2007

Signature: Donna Forbit
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Respectfully submitted,

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